



24 November 2000

ICTY WEEKLY UPDATE – 149

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

KRSTIĆ CASE (“SREBRENICA”)

Trial Chamber I – Judges Rodrigues (Presiding), Riad and Wald

Having adjourned on 8 November 2000, the Trial Chamber reconvened this week entering its sixteenth week of hearings, with the fifth week of the defence case-in-chief.

On Monday 20 November, General Radislav Krstić resumed his testimony which originally commenced on Monday 16 November. Postponing the completion of his testimony until Wednesday 22 November in order to hear defence witnesses, the Trial Chamber heard the testimony Witness “DC” on Tuesday 21 November.

Witness “DC” told the court that he was mobilised in 1992 and reported to the Romanija detachment. On 21 May 1992, he joined the newly established 2nd Romanija Motorised Brigade and worked in the Department for Moral Guidance, Information and Religious Affairs until March 1995. Witness “DC” testified that, at the beginning of July 1995, his unit received orders to take part in the Srebrenica operation with the main goal of narrowing the protected enclave, and cutting off the Srebrenica-Žepa corridor. The operation to attack and assume control of the town of Srebrenica, so-called “Operation Krivaja 95”, was, according to the witness, under the command of General Krstić until 10 July 1995 when General Ratko Mladić began to issue direct orders.

The next witness, Mr. Vlado Rudović, told the court that he joined the 2nd Romanija Brigade of the Bosnian Serb army on 13 August 1992 as a volunteer under the command of General Krstić. Mr. Rudović testified that, after the safe area was established in April 1993, he joined the 65th Motorised Protection Regiment with the task of keeping order in the area. Mr. Rudović testified that, as a member of a battalion of the Protection Regiment, he was present in Žepa throughout the combat actions from 14 July 1995 until the fall of Žepa.

After the completion of Mr. Rudović’s and General Krstić’s testimonies on Wednesday 22 November, the defence called Mr. Milanko Radulović. Mr. Radulović told the court that he joined the Bosnian Serb army at the beginning of April 1992. As a member of the 1st Romanija Brigade, he was sent to the village of Jelovci, Borovine. Mr. Radulović testified that, when the safe area of Žepa was formed in spring 1993, he was a member of the infantry battalion of the 65th Protection Regiment.

In July 1995, his unit was located at Očadžalo, Sarajevo, in the zone of responsibility of the Sarajevo-Romanija Corps but returned to the Žepa area on 15 July 1995. The unit remained there until 15 August 1995. Mr. Radulović testified that General Krstić was in command of the operation at Žepa in the position of Chief of Staff of the Drina Corps.

The next witness, “DE”, told the court that, in February 1994, he became Commander of the newly created Engineers Battalion of the Drina Corps. Witness “DE” testified about the establishment, utilisation and control and command of the Engineers Battalion. Witness “DE” told the court that he was not involved in the planning of engineering security for the “Krivaja 95” operation nor was he acquainted with the planning of the operation.

Witness “DE” also testified that he, together with General Krstić, participated in the negotiations regarding the implementation of the Dayton Accords, particularly in respect of de-mining the area. According to Witness DE, General Krstić was involved in the military aspect of the implementation of the Dayton Accords.

Witness DE’s testimony continued on Thursday 23 November and was completed on Friday 24 November. The Trial Chamber has now adjourned until Monday 4 December.

Cont.

KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)

Trial Chamber II – Judges Mumba (Presiding), Hunt and Pocar

Having adjourned on 10 November 2000, the Trial Chamber reconvened this week to hear the parties' closing arguments.

On Monday 20 November, the prosecution presented its closing arguments. The prosecution submitted that the accused should be convicted and sentenced as follows: Kunarac, 35 years' imprisonment; Kovač, 30 years' imprisonment; and Vuković, 15 years' imprisonment. The defence then began to present its joint arguments as to general facts.

After the conclusion of the submissions of counsel for Kunarac on Tuesday 21 November, counsel for Kovač commenced his closing arguments. The closing submissions of Vuković were made on Wednesday 22 November. Counsel for Kunarac, Kovač and Vuković submitted that the prosecution had not proven the elements of the criminal acts with which the accused were charged and therefore submitted that the Trial Chamber entered judgements of acquittal in respect of all the accused.

The Trial Chamber has now adjourned to consider its judgment which will be rendered in due course.

KRNOJELAC CASE (“KP DOM CAMP”)

Trial Chamber II – Judges Hunt (Presiding), Mumba and Liu

Having adjourned on Thursday 9 November, the trial of Milorad Krnojelac entered its third week of hearings with the third week of the prosecution case-in-chief.

On Thursday 24 November, Witness 66, a former detainee in the KP Dom from 23 April 1992 to October 1994, continued his testimony which commenced on Thursday 9 November.

The Trial Chamber then heard the testimony of Mr. Jussi Kemppainen, an investigator with the OTP. Mr. Kemppainen testified about two interviews he conducted with Krnojelac and inquiries made by the OTP relating to missing persons who were detained at the KP Dom and who are listed in Schedule C of the indictment. The Trial Chamber then adjourned until 27 November 2000.

NIKOLIĆ CASE (“SUŠICA CAMP”)

Trial Chamber II – Judges Hunt (Presiding), Mumba and Liu

On Friday 24 November, the Trial Chamber held the scheduled status conference in private session.

KORDIĆ & ČERKEZ CASE (“LAŠVA VALLEY”)

Trial Chamber III – Judges May (Presiding), Bennouna and Robinson

The Trial Chamber reconvened this week hearing witnesses in support of the prosecution's application to produce documentary evidence collected since April 2000 in and around Zagreb, Croatia (“Zagreb Evidence”).

On Monday 20 November, the Trial Chamber set the timetable for the remainder of the case. All rebuttal and rejoinder evidence is to be completed by the week ending 8 December 2000. The written briefs are to be submitted by Wednesday 13 December, with the closing arguments being heard on 14 and 15 December 2000.

The prosecution then called its first witness, Mr. Marko Prelec, a Research Officer with the Office of the Prosecutor (“OTP”). Mr. Prelec testified about the OTP's access to and review of the so-called “HVO archive” documents since 2 May 2000. After the conclusion of Mr. Prelec's testimony on Tuesday 21 November, the Trial Chamber heard submission on evidentiary matters. On Wednesday 22 November, the Trial Chamber discussed procedural matters before continuing the hearing in closed session.

On Thursday 23 November, the Trial Chamber held a further hearing on evidentiary matters, partly in open session, before adjourning until Monday 27 November.

SIKIRICA & OTHERS CASE (“KERATERM CAMP”)

Trial Chamber III - Judges May (Presiding), Bennouna and Robinson

On Wednesday 22 November, the Trial Chamber held the scheduled pre-trial conference.

The Trial Chamber announced that, due to organisational reasons, the date for the commencement of the trial, formerly 22 January 2001, has been postponed. A new commencement date will be set in due course.

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OVERVIEW OF COURT DOCUMENTS:

TODOROVIĆ CASE (“BOSANSKI ŠAMAC”)

ORAL HEARING ON REQUEST FOR REVIEW RESCHEDULED

On 21 November 2000, the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar) granted Todorović’s emergency motion for an extension of time.

The Appeals Chamber ordered that the oral hearing will now take place on **10 January 2001** at 10.00 a.m., instead of 28 November as previously scheduled. Canada, Denmark, France, Germany, Italy, The Netherlands, Norway, the UK, the USA, NATO, the Prosecutor and the co-accused, may be heard at the hearing. The Appeals Chamber also directed that Todorović, Simić, Miroslav Tadić and Žarić may, by 15 December, respond to the written briefs filed by the states, NATO and the Prosecutor on 17 November 2000 (see Weekly Update 148).

NALETILIĆ & MARTINOVIĆ CASE (“TUTA” & “ŠTELA”)

DECISION ON DEFENCE MOTION FOR EXTENSION TO SUBMIT PRE-TRIAL BRIEFS

On 21 November 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) granted Martinović’s motion for an extension of time to submit his pre-trial brief, filed on 20 November 2000.

Noting that the pre-trial conference has been scheduled to take place on 7 December 2000, the Trial Chamber ordered Naletilić and Martinović to file their respective pre-trial briefs by 27 November 2000.

KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE (“OMARSKA & KERATERM CAMPS”)

MOTION FOR LEAVE TO APPEAL DECISION ON CONSOLIDATED INDICTMENT DISMISSED

On 22 November 2000, a Bench of the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah and Nieto-Navia) dismissed Žigić’s motion for leave to appeal the decision of Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald), dated 13 October 2000. In its decision, the Trial Chamber had authorised the prosecution to consolidate the two indictments for the accused Prcać (IT-95-4) and the accused Kvočka, Radić, Kos and Žigić (IT-98-30) (see Weekly Update 144).

In reaching its decision, the Bench found that the defence had not shown that the decision would cause such prejudice to its case as could not be cured by the final disposal of the trial including post-judgement appeal, or that the issue in the proposed appeal is of general importance to proceedings before the Tribunal or in international law generally.

SCHEDULING ORDER ISSUED

Further to the completion of the prosecution case on 6 October 2000, and subsequent motions for judgement of acquittal filed by Kos, Radić, Žigić and Prcać dated 6 November 2000 (all except Radić filed their motions confidentially), on 23 November 2000, the Trial Chamber scheduled a hearing on the motions to be held on **28 November 2000 at 4.00 p.m.**

The Trial Chamber also scheduled a status conference to be held on the same day in order to discuss issues detailed in their order. Further, the accused are to file their pre-trial briefs by 15 December 2000. The pre-defence conference has been scheduled to take place on **12 January 2001 at 4.00 p.m.**

COURTROOM SCHEDULE: 27 NOVEMBER – 1 DECEMBER *

MONDAY 27 NOVEMBER

Courtroom I 15:45, **Galic**, Status Conference
Courtroom II 09:30 - 13:00, **Krnolejac**, Trial
14:30 - 16:00, **Krnolejac**, Trial
Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Trial
14:30 - 16:00, **Kordic/Cerkez**, Trial

TUESDAY 28 NOVEMBER

Courtroom I 16:00, **Kvočka/Kos/Radic/Zigic/Prcać**, Motion Hearing/Status Conference
Courtroom II 09:30 - 13:00, **Krnolejac**, Trial
14:30 - 16:00, **Krnolejac**, Trial
Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Trial
14:30 - 16:00, **Kordic/Cerkez**, Trial

WEDNESDAY 29 NOVEMBER

PLENARY

THURSDAY 30 NOVEMBER

PLENARY

FRIDAY 1 DECEMBER

PLENARY

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services. Unless otherwise indicated, all sessions are open.

PRESS RELEASES ISSUED SINCE 17 NOVEMBER:

DATE	NO.	TITLE	E	F	B/C/S
20/11/2000	540	SPEECH BY HIS EXCELLENCY, JUDGE CLAUDE JORDA, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UN GENERAL ASSEMBLY	E	F	B/C/S
21/11/2000	541	SPEECH BY HIS EXCELLENCY, JUDGE CLAUDE JORDA, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UN SECURITY COUNCIL	E	F	B/C/S
24/11/2000	542	ADDRESS TO THE UN SECURITY COUNCIL BY CARLA DEL PONTE, PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA	E		B/C/S

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